

STATE BUILDING CODE INTERPRETATION NO. I-67-00

October 30, 2000

The following is offered in response to your letter in which you request a formal interpretation of Section 107.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code.

Question: Does item #3 of Section 107.1 of the BOCA National Building Code/1996 portion of the 1999 State Building Code require a permit to be issued when a structure is removed by way of burning in lieu of wrecking, dismantling, explosion/implosion or removal in whole for transportation?

Answer: No. The intent of the State Building Code is to regulate, by issuance of a permit, the demolition of a building or structure that is dismantled by hand, by use of a machine designed for that purpose, or by detonation. It is not the intent of the code to regulate the removal of buildings or structures by burning, whether voluntary or not. Although a permit is not required from the building department, if the building is proposed to be burned voluntarily certain safety issues, such as utility disconnection and protection of the public, are required to be addressed prior to the burning; and all other applicable laws pertaining to burning, such as environmental concerns, must be complied with. This office has been informed by DEP that demolition by burning is prohibited for other than fire training exercises. In addition, certain aspects of the code still apply to the site after the building is burned. These include, but are not limited to, removal of debris, grading of the lot and capping of utility connections.